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EXTRAORDINARY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 16th May, 1979:—

BILL NO. 74 OF 1979

A Bill to provide for the establishment of a Broadcasting Corporation for India, to be known as Prasar Bharati, to define its composition, functions and powers and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Prasar Bharati (Broadcasting Corporation of India) Act, 1979.

Short
title,
extent
and com-
mence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “Akashvani” means the offices, stations and other establishments, by whatever name called, which immediately before the appointed day form part of or are under the Directorate General, All India Radio, of the Union Ministry of Information and Broadcasting;

(b) “appointed day” means the date appointed under section 3;

(c) “broadcasting” means the dissemination of any form of communication by the wireless transmission of writing, signs,

signals, pictures, images and sounds of all kinds by means of Hertzian waves intended to be received by the public either directly or through the medium of relay stations and all its grammatical variations and cognate expressions shall be construed accordingly;

(d) "Chairman" means the Chairman of the Corporation appointed under section 4;

(e) "Complaints Board" means the Board established under section 13;

(f) "Corporation" means the Prasar Bharati (Broadcasting Corporation of India) established under section 3;

(g) "Director General" means the Director General of the Corporation appointed under section 5;

(h) "Doordarshan" means the offices, kendras and other establishments, by whatever name called, which immediately before the appointed day form part of or are under the Directorate General, Doordarshan of the Union Ministry of Information and Broadcasting;

(i) "kendra" means any telecasting centre with studios or transmitters or both and includes a relay station;

(j) "member" means a member of the Corporation;

(k) "Non-lapsable Fund" means the fund created from the commercial revenues of Akashvani and Doordarshan to meet expenditure on certain schemes;

(l) "non-official member" means a member appointed under clause (b) of sub-section (4) of section 3;

(m) "notification" means a notification published in the Official Gazette;

(n) "prescribed" means prescribed by rules made under this Act;

(o) "Recruitment Board" means a board established under sub-section (1) of section 10;

(p) "regulations" means regulations made under this Act;

(q) "Renewal and Replacement Fund" means the fund created out of the Consolidated Fund of India to replace the capital equipment of Akashvani and Doordarshan in a phased manner;

(r) "station" means any broadcasting station with studios or transmitters or both and includes a relay station;

(s) "year" means the financial year.

CHAPTER II

PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA)

Establishment and Composition of Corporation.

3. (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be established for the purposes of this Act a Corporation to be known as the Prasar Bharati (Broadcasting Corporation of India).

(2) The Corporation shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The headquarters of the Corporation shall be at New Delhi and the Corporation may establish offices, kendras or stations at other places

in India and, with the previous approval of the Central Government, outside India.

(4) The Corporation shall consist of the following members, namely:—

(a) the Chairman;

(b) not more than eleven and not less than seven non-official members, to be appointed by the President from amongst persons of eminence in public life or persons having special knowledge or practical experience in respect of such matters as education, literature, culture, arts, music, dramatics, journalism, administration, management and technical and legal aspects of broadcasting;

(c) the Secretary, Union Ministry in charge of Finance, or if there are more such Secretaries than one, such one of them as may be appointed in this behalf by the Central Government, *ex officio*;

(d) the Secretary, Union Ministry in charge of Information and Broadcasting or, if there are more such Secretaries than one, such one of them as may be appointed in this behalf by the Central Government, *ex officio*;

(e) the Director General.

(5) The Corporation may appoint such committees as may be necessary for the efficient performance, exercise and discharge of its functions, powers and duties:

Provided that all or a majority of the members of each such committee shall be members of the Corporation and a member of any such committee who is not a member of the Corporation shall have only the right to attend the meetings of the committee and take part in the proceedings thereof, but shall not have the right to vote.

(6) The Corporation may associate with itself in such manner and for such purposes as may be prescribed any persons whose assistance or advice it may need in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Corporation relevant to the purposes for which he has been associated, but shall not have the right to vote.

(7) No act or proceeding of the Corporation or of any committee appointed by it under sub-section (5) shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in, the constitution of the Corporation or such committee; or

(b) any defect in the appointment of a person acting as a member of the Corporation or such committee; or

(c) any irregularity in the procedure of the Corporation or such committee not affecting the merits of the case.

Chair-
man.

4. (1) The Chairman of the Corporation shall be appointed by the President after consultation with the Speaker of the House of the People and the Chairman of the Council of States and the selections of a person for the purpose shall be based primarily on consideration of his eminence in public life and distinction in matters such as education, literature, culture, arts, music, dramatics, journalism, administration, management, and technical and legal aspects of broadcasting.

(2) The Chairman shall perform, exercise and discharge such functions, powers and duties of the Corporation as the Corporation may delegate to him.

Director
General.

5. (1) The Director General of the Corporation shall be appointed by the President after consultation with the Chairman.

(2) The Director General shall exercise and discharge such powers and duties of the Corporation as the Corporation may delegate to him.

Term of
office,
conditions
of ser-
vice, etc.,
of mem-
bers.

6. (1) Every member [other than an *ex officio* member referred to in clause (c) or clause (d) of sub-section (4) of section 3] shall, subject to the other provisions of this Act, hold office for a term of five years from the date on which he enters upon his office.

(2) The Chairman and the Director General shall be whole-time members and the other members shall be part-time members.

(3) The Chairman and the Director General shall be entitled to such salaries and allowances and such conditions of service in respect of leave, pension (if any), provident fund and other matters as may be prescribed.

(4) The allowances payable to and other conditions of service of the non-official members shall be such as may be prescribed.

(5) Where before the expiry of the term of office of a person holding the office of Chairman, Director General or a non-official member, a vacancy arises, for any reason whatsoever, such vacancy shall be deemed to be a casual vacancy and the person appointed to fill such vacancy shall hold office for the unexpired period of the term for which his predecessor in office would have held office if such vacancy had not arisen.

Removal
and
suspension
of
Chairman
or other
non-
official
members
from
office in
certain
circum-
stances.

7. (1) Subject to the provisions of sub-section (3), the Chairman shall only be removed from his office by order of the President on the ground of misbehaviour after the Supreme Court, on a reference being made to it by the President, has, on inquiry held in accordance with such procedure as the Supreme Court may by rules provide, reported that the Chairman ought, on any such ground, be removed.

(2) The President may, after obtaining the approval of the Supreme Court, suspend from office the Chairman in respect of whom a reference has been made to the Supreme Court for inquiry under sub-section (1), pending such inquiry.

(3) Notwithstanding anything contained in sub-section (1), the President may, by order, remove the Chairman from office if the Chairman,—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

(4) If the Chairman is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Corporation or the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member, and in common with the other members, of an incorporated Company, he shall, for the purpose of sub-section (1), be deemed to be guilty of misbehaviour.

(5) The President may, with the concurrence of the Chairman, remove from office any non-official member, who—

(a) is adjudged an insolvent; or

(b) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

(c) is guilty of misbehaviour.

Explanation.—For the purposes of clause (c), the provisions of sub-section (4) shall apply in relation to a non-official member as they apply in relation to the Chairman.

(6) The Chairman or any non-official member may resign his office by giving notice thereof in writing to the President and on such resignation being accepted, the Chairman or such member shall be deemed to have vacated the office.

8. (1) The Corporation shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations:

Meetings
of
Corporation.

Provided that there shall not be less than six meetings every year but three months shall not intervene between one meeting and the next meeting.

(2) The Chairman shall preside at the meetings of the Corporation and if for any reason he is unable to attend any meeting, any other member elected by the members present at such meeting, shall preside at the meeting.

(3) All questions which come up before any meeting of the Corporation shall be decided by a majority of the votes of the members present and voting and, in the event of an equality of votes, the Chairman, or in his absence, the person presiding, shall have and exercise a second or casting vote.

9. (1) Subject to such control, restrictions and conditions as may be prescribed, the Corporation may appoint, after consultation with the Recruitment Board such officers and other employees as may be necessary for the efficient performance of its functions.

Officers.
and
other
employees
of
Corporation.

(2) The methods of recruitment of such officers and employees and all other matters connected therewith and the conditions of service of such officers and other employees shall be such as may be provided by regulations.

Establish-
ment of
Recruit-
ment
Board.

10. (1) The Corporation shall, as soon as may be, after the appointed day and in such manner and subject to such conditions and restrictions as may be prescribed, establish for the purposes of section 9, one or more boards to be known as the Recruitment Board or, as the case may be, Recruitment Boards, consisting wholly of persons other than members, officers and other employees of the Corporation.

(2) The qualifications and other conditions of service of the members constituting the Recruitment Board, the period for which such members shall hold office shall be such as may be prescribed.

Transfer
of ser-
vice of
existing
emplo-
yees to
Corpora-
tion.

11. (1) Where the Central Government has ceased or ceases to perform any functions which under section 12 are the functions of the Corporation, it shall be lawful for the Central Government to transfer, by order and with effect from such date or dates as may be specified in the order, to the Corporation any of the officers or other employees serving in the Akashvani or Doordarshan and engaged in the performance of those functions:

Provided that no order under this sub-section shall be made in relation to any officer or other employee in the Akashvani or Doordarshan who has, in respect of the proposal of the Central Government to transfer such officer or other employee to the Corporation, intimated within such time as may be specified in this behalf by the Central Government, his intention of not becoming an employee of the Corporation.

(2) In making an order under sub-section (1), the Central Government shall, as far as may be, take into consideration the functions which the Akashvani or, as the case may be, Doordarshan has ceased or ceases to perform and the area in which such functions have been or are performed.

(3) An officer or other employee transferred by an order under sub-section (1) shall, on and from the date of transfer cease to be an employee of the Central Government and become an employee of the Corporation with such designation as the Corporation may determine and shall, subject to the provisions of sub-sections (5), (6) and (7) be governed by such regulations as may be made as respects remuneration and other conditions of service including pension, leave and provident fund and shall continue to be an officer or other employee of the Corporation unless and until his employment is terminated by the Corporation.

(4) Nothing contained in sub-section (1) shall apply to the members of the Central Secretariat Service, Central Information Service or any other service or to persons borne on cadres outside Akashvani and Doordarshan or to persons working on deputation in Akashvani or Doordarshan from any other Ministry or Department of the Central Government or from any State Government or from any organisation.

(5) Every officer or other employee transferred by an order made under sub-section (1) shall, within six months from the date of transfer, exercise his option in writing to be governed,—

(a) by the scale of pay applicable to the post held by him in the Akashvani or Doordarshan immediately before the date of transfer or by the scale applicable to the post under the Corporation to which he is transferred;

(b) by the leave, provident fund, retirement or other terminal benefits admissible to employees of the Central Government in accordance with the rules or orders of the Central Government, as amended from time to time, or the leave, provident fund, or other terminal benefits admissible to the employees of the Corporation under the regulations,

and such option once exercised under this Act shall be final:

Provided that the option exercised under clause (a) by an officer or other employee shall be applicable only in respect of the post under the Corporation to which such officer or other employee is transferred and on appointment to a higher post under the Corporation he shall be eligible only for the scale of pay applicable to such higher post:

Provided further that if immediately before the date of his transfer any such officer or other employee is officiating in higher post under the Government either in a leave vacancy or any other vacancy of a specified duration, his pay on transfer, shall be protected for the unexpired period of such vacancy and thereafter he shall be entitled to the scale of pay applicable to the post under the Government to which he would have reverted or to the scale of pay applicable to the post under the Corporation to which he is transferred, whichever he may opt:

Provided also that when an officer or other employee serving in the Union Ministry of Information and Broadcasting or in any of its attached or subordinate offices is promoted to officiate in a higher post in the Ministry or office subsequent to the transfer to the Corporation of any other officer or employee senior to him in that Ministry or office before such transfer, the officer or other employee who is promoted to officiate in such higher post shall, on transfer to the Corporation, be entitled only to the scale of pay applicable to the post he would have held but for such promotion or the scale of pay applicable to the post under the Corporation to which he is transferred, whichever he may opt.

(6) No officer or other employee transferred by an order made under sub-section (1),—

(a) shall be dismissed or removed by an authority subordinate to that competent to make a similar or equivalent appointment under the Corporation as may be specified in the regulations;

(b) shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

Provided that where it is proposed after such inquiry to impose upon him any such penalty, such penalty may be imposed on the basis of evidence adduced during such inquiry and it shall not be necessary to give such person an opportunity of making representation on the penalty proposed:

Provided further that clause (b) shall not apply,—

(i) where an officer or other employee is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) where the authority empowered to dismiss or remove an officer or other employee or to reduce him in rank, is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry;

(iii) an officer or other employee who, after transfer to the Corporation, is appointed to a higher post under the Corporation in response to an open advertisement and in competition with outsiders.

(7) If, in respect of any officer or other employee referred to in sub-section (6), the question arises whether it is reasonably practicable to hold such inquiry as is referred to in that sub-section, the decision thereon of the authority empowered to dismiss or remove him or reduce him in rank, shall be final.

Functions
of Corpora-
tion.

12. (1) Subject to the provisions of this Act, it shall be the primary duty of the Corporation to organise and conduct public broadcasting services to inform, educate and entertain the public and to ensure a balanced development of radio and television.

(2) The Corporation shall, in the discharge of its functions, be guided by the following objectives, namely:—

(a) upholding the unity and integrity of the country and the democratic and social values enshrined in the Constitution;

(b) safeguarding the citizen's right to be informed freely, truthfully and objectively of all matters of public interest, national or international and presenting a fair and balanced flow of information including contrasting views, without advocating any opinion or ideology of its own;

(c) paying special attention to the fields of education, agriculture, health and family welfare and science and technology;

(d) giving adequate coverage to the composite culture of the country as well as sports and games;

(e) serving the rural, illiterate and weaker sections of the people, keeping in view the special needs of the youth, social and cultural minorities, the tribal communities, and of those residing in border regions, backward or remote areas;

(f) informing and stimulating the national consciousness in regard to the status and problems of women;

(g) promoting social justice and combating exploitation, inequality, and such evils as untouchability and narrow parochial loyalties;

(h) upholding the secular ideal and promoting a spirit of truth and inquiry in the country among all sections of the people;

(i) taking special steps to protect the interests of children, the blind, the aged, the handicapped and other vulnerable sections of the people;

(j) promoting comprehension and national integration by broadcasting in a manner that facilitates communication in and among all the languages of India; and

(k) providing comprehensive broadcast coverage through the choice of appropriate technology and the best utilisation of the broadcast frequencies available and ensuring high quality reception.

(3) In particular and without prejudice to the generality of the foregoing provisions, the Corporation may take such steps as it thinks fit—

(a) to ensure that broadcasting is conducted as a public service to provide and produce programmes;

(b) to establish a system for the gathering of news for radio and television;

(c) to negotiate for purchase of, or otherwise acquire, programmes and rights or privileges in respect of sports, fixtures and other events, occasions, meetings, functions or incidents of public interests for broadcasting and to establish procedures for the allocation of such programmes, rights or privileges to the services;

(d) to establish and maintain a library or libraries of radio, television and other materials;

(e) to conduct or commission, from time to time, programmes, audience research, market or technical service, which may be released to such persons and in such manner and subject to such terms and conditions as the Corporation may think fit;

(f) to provide such other services as may be specified by the regulations.

(4) The Corporation shall be subject to no civil liability on the ground merely that it failed to comply with any of the provisions of this section.

13. (1) The Corporation shall, by notification, establish a Complaints Board consisting of one person or such number of persons not exceeding five as it thinks fit to receive and consider the complaints referred to in section 14;

Establishment
of Complaints
Board.

Provided that where the Complaints Board consists of one person, that person, and where it consists of more persons than one, one at least of such persons shall be a person who is or has been or is qualified to be a Judge of a High Court.

(2) Where the Complaints Board consists of more persons than one, the Corporation shall appoint one of the persons qualified as specified in the proviso to sub-section (1) to be the Chairman of the Board.

(3) Where the Complaints Board consists of more persons than one, the powers and functions of the Complaints Board may be exercised and discharged by benches consisting of two members and constituted by the Chairman of the Board:

Provided that if the members of the bench differ on any point or points, they shall state the point or points on which they differ and refer the same to a third member (to be specified by the Chairman) for hearing of such point or points, and such point or points shall be decided according to the opinion of that member.

(4) Notwithstanding anything contained in sub-section (3), where the Complaints Board consists of more persons than one, the Chairman may, if satisfied that consistent with the ends of justice, it is necessary so to do for the expeditious disposal of cases, by order in writing,

authorise any of the members thereof to exercise the powers and discharge the functions of the Complaints Board in respect of such classes of cases as he may specify in the order.

(5) Subject to the provisions of sub-section (1), the qualifications and other conditions of service of the person or persons constituting the Complaints Board and the period for which such person or persons shall hold office shall be such as may be determined, with the previous approval of the Central Government, by the Corporation.

Jurisdiction of, and procedure to be followed by, the Complaints Board.

14. (1) The Complaints Board shall receive and consider complaints from persons claiming themselves to have been treated unjustly or unfairly in any manner (including unwarranted invasion of privacy or misrepresentation) in connection with any programme broadcast by the Corporation.

(2) Every such complaint shall be made in writing within thirty days of the broadcast concerned.

(3) Subject to any regulations that may be made in this behalf, the Complaints Board shall follow such procedure as it may think fit.

(4) If the complaint is found to be justified wholly or in part, the Complaints Board shall advise the Corporation to take appropriate action and shall inform the complainant in writing of the same.

(5) If the complaint is found not to be justified either in whole or in part, the complainant shall be so informed in writing.

Powers of Complaints Board.

15. (1) The Complaints Board shall, for the purposes of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, while dealing with a complaint in respect of the following matters, namely:—

5 of 1908.

(a) enforcing the attendance of any person and examining him on oath or affirmation;

(b) compelling the production of documents; and

(c) issuing commissions for the examination of witnesses.

(2) Subject to any regulations made in this behalf, the Complaints Board may impound and retain in its custody for such period as it thinks fit any documents produced before it while dealing with a complaint under this Act.

CHAPTER III

ASSETS, FINANCES AND ACCOUNTS

Transfer of certain assets, liabilities, etc., of Central Government to Corporation.

16. As from the appointed day—

(a) all property and assets (including the Non-Lapsable Fund and the Renewal and Replacement Fund) which immediately before that day vested in the Central Government for the purpose of Akashvani or Doordarshan or both shall stand transferred to the Corporation;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Central Government immediately before such day for or in connection with the purposes of Akashvani or Doordarshan or

both shall be deemed to have been incurred, entered into and engaged to be done by, with or for the Corporation;

(c) all sums of money due to the Central Government in relation to the Akashvani or Doordarshan or both immediately before such day shall be deemed to be due to the Corporation;

(d) all suits and other legal proceedings instituted or which could have been instituted by or against the Central Government immediately before such day for any matter in relation to the Akashvani or Doordarshan or both may be continued or instituted by or against the Corporation.

17. For the purposes of enabling the Corporation to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Corporation in each financial year,—

Grants
by Cen-
tral Gov-
ernment.

(i) the proceeds of the broadcast receiver licence fees, as reduced by the collection charges; and

(ii) such other sums of money as that Government considers necessary,

by way of grant, loan or otherwise.

18. (1) The Corporation shall have its own Fund and all the receipts of the Corporation (including the amounts which stand transferred to the Corporation under section 16 shall be credited to the Fund and all payments by the Corporation shall be made therefrom.

Fund of
Corpora-
tion.

1855. (2) All moneys belonging to the Fund shall be deposited in the State Bank of India constituted under the State Bank of India Act, 1955, in such manner as the Corporation may decide.

(3) The Corporation may spend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the Fund of the Corporation.

19. The Corporation may invest its moneys in the securities of the Central Government or any State Government or in such other manner as may be prescribed.

Invest-
ment of
moneys.

20. (1) The Corporation shall, before the commencement of each year, prepare a statement of programme of its activities during the forthcoming year as well as financial estimates in respect thereof.

Budget
of
Corpora-
tion.

(2) The statement prepared under sub-section (1) shall, not less than three months before the commencement of each year, be submitted to the Central Government for its approval.

(3) The statement and the financial estimates of the Corporation, referred to in sub-section (1), may, with the approval of the Central Government, be revised by the Corporation.

21. (1) The Corporation shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and in such manner as may be prescribed.

Accounts
and audit
of Corpora-
tion.

(2) The accounts of the Corporation shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified

by him and any expenditure incurred in connection with such audit shall be payable by the Corporation to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Corporation shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Corporation.

(4) The accounts of the Corporation as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Corpora-
tion
not
liable
to be
taxed.

22. Notwithstanding anything contained in the Income-tax Act, 1961, or any other enactment for the time being in force relating to income-tax, sur-tax or any other tax on income, profits or gains, the Corporation shall not be liable to pay any income-tax, sur-tax or any other tax in respect of—

43 of 1961.

(a) any income, profits or gains, accruing or arising out of the Fund of the Corporation or any amount received in that Fund; and

(b) any income, profits or gains, derived or any amount received, by the Corporation.

CHAPTER IV

MISCELLANEOUS

Power of
Central
Govern-
ment
to give
direc-
tions.

23. The Central Government may, from time to time, issue to the Corporation such directions as it may think necessary for the efficient administration of this Act, and a copy thereof shall be laid before each House of Parliament.

Chair-
man,
mem-
bers, etc.,
to be
public
servants.

24. The Chairman, members and every officer or other employee of the Corporation and every member of a Committee constituted under sub-section (5) of section 3 and every member of the Complaints Board and the Recruitment Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protec-
tion of
action
taken in
good
faith.

25. No suit or other legal proceeding shall lie against the Corporation, the Chairman, member or any officer or any other employee of the Corporation or a member of the Complaints Board or a Recruitment Board for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

Authen-
tication
of orders
and
other
instru-
ments
of
Corpora-
tion.

26. All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or any other member authorised by the Corporation in this behalf and all other instruments executed by the Corporation shall be authenticated by the signature of the Director General or by any officer of the Corporation authorised by the Corporation in this behalf.

27. The Corporation may, by general or special order, delegate to the Chairman or any other member or to any officer of the Corporation, subject to such conditions and limitations, if any, as may be specified therein, such of its powers and duties under this Act as it may deem fit.

Delegation of powers.

28. The Corporation shall prepare once in every calendar year, in such form and within such time as may be prescribed, an annual report giving a full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Annual report.

29. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which and the purposes for which the Corporation may associate with itself any person under sub-section (6) of section 3;

(b) the salaries and allowances and conditions of service in respect of leave, pension (if any), provident fund and other matters in relation to the Chairman and the Director General under sub-section (3) of section 6;

(c) the allowances payable to, and other conditions of service of, the non-official members under sub-section (4) of section 6;

(d) the control, restrictions and conditions subject to which the Corporation may appoint officers and other employees under sub-section (1) of section 9;

(e) the manner in which and the conditions and restrictions subject to which a Recruitment Board may be established under sub-section (1) of section 10;

(f) the qualifications and other conditions of service of the members of a Recruitment Board and their period of office under sub-section (2) of section 10;

(g) the manner in which the Corporation may invest its moneys under section 19;

(h) the form and the manner in which the annual statement of accounts shall be prepared under sub-section (1) of section 21;

(i) the form in, and the time within, which the Corporation may prepare an annual report under section 28;

(j) any other matter which is required to be or may be prescribed.

30. (1) The Corporation may, by notification, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act.

Power to make regulations.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the times and places at which meetings of the Corporation, shall be held and, the procedure to be followed thereat, and the quorum necessary for the transaction of the business at a meeting of the Corporation under sub-section (1) of section 8;

(b) the methods of recruitment and conditions of service of officers and other employees of the Corporation under sub-section (2) of section 9;

(c) the remuneration and other conditions of service, including pension, leave and provident fund in relation to an officer or other employee of the Corporation under sub-section (3) of section 11;

(d) the authority competent to make certain appointments referred to in clause (a) of sub-section (6) of section 11;

(e) the services which may be provided by the Corporation under clause (f) of sub-section (3) of section 12;

(f) the procedure which the Complaints Board may follow under sub-section (3) of section 14;

(g) the period for which the Complaints Board may impound and retain in its custody any documents under sub-section (2) of section 15;

(h) any other matter in respect of which provision is, in the opinion of the Corporation, necessary for the performance of its functions under this Act.

Rules
and
regula-
tions to
be laid
before
Parlia-
ment.

31. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to
remove
difficul-
ties.

32. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as it may deem necessary, for the removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

STATEMENT OF OBJECTS AND REASONS

It is the Government's declared policy to confer autonomy on Akashvani and Doordarshan in order to ensure their functioning in a fair and objective manner. In pursuance of this policy, Government appointed a Working Group headed by Shri B. G. Verghese to examine the functioning of these media and to make recommendations regarding their future set up. The Working Group submitted its report in March, 1978.

2. The recommendations of the Working Group have been carefully examined. It is proposed to provide for the establishment of an autonomous corporation to be known as 'Prasar Bharati' and to entrust to it the functions which are at present discharged through Akashvani and Doordarshan. The intention is that the proposed Corporation should function as 'a genuinely autonomous body which is innovative, dynamic, flexible, democratic, and responsive to its opportunities and to the people of India whom it is designed to entertain, inform and educate'.

3. The Bill seeks to achieve the above objects. In addition to making provisions as to the establishment and composition of the Corporation, appointment and removal of the members of the Corporation, transfer of properties and funds at present vested in the Central Government for the purpose of Akashvani and Doordarshan to the Corporation, transfer of employees of Akashvani and Doordarshan to the Corporation and other ancillary matters, the Bill also provides for the establishment of a Complaints Board to deal with complaints about programmes broadcast by the Corporation.

4. The notes on clauses explain the provisions of the Bill.

NEW DELHI;

L. K. ADVANI.

The 1st May, 1979.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 4(1)/79-WCAD, dated the 10th May, 1979 from Shri L. K. Advani, Minister of Information and Broadcasting to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Prasar Bharati (Broadcasting Corporation of India) Bill, 1979, recommends under clauses (1) and (3) of article 117 and article 274(1) of the Constitution of India, for introduction and consideration of the Bill in Lok Sabha.

Notes on clauses

Clause 2 seeks to define certain expressions used in the Bill.

Clause 3 provides for the establishment of the Broadcasting Corporation to be known as 'Prasar Bharati' and for its composition.

Clauses 4 to 6 provide for the appointment, term of office and other conditions of service of the Chairman, Director General and non-official members of the Corporation.

Clause 7 deals with the removal and suspension of Chairman and non-official members. The grounds of removal as provided in the clause are the same as those provided in article 317 of the Constitution with respect to removal of the Chairman or other members of a Public Service Commission. The Chairman may be removed from office by an order of the President on the ground of misbehaviour after the Supreme Court on a reference made to it by the President has on inquiry held in accordance with such procedure as the Supreme Court may by rules provide, reported that the Chairman ought on any such ground to be removed. The President may suspend from office the Chairman where a reference has been made to the Supreme Court for inquiry as to whether he should be removed on the ground of misbehaviour. The President cannot exercise the power to suspend the Chairman, without obtaining the prior approval of the Supreme Court. The President may remove the Chairman from office if the Chairman is adjudged as an insolvent or engages during his term of office in any paid employment outside the duties of his office or if he is in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body. The President may remove a non-official member from office with the concurrence of the Chairman on any ground on which the Chairman may be removed from office. As in the case of a member of Public Service Commission, the ground of misbehaviour includes a case in which the Chairman or a member, as the case may be, is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Corporation or the Government of India or the Government of a State or participates in any way in the profits thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company.

Clause 8 deals with the meetings of the Corporation.

Clause 9 empowers the Corporation to appoint, in consultation with the Recruitment Board, such officers and other employees as may be necessary.

Clause 10 provides for the establishment of one or more Recruitment Boards (consisting wholly of persons other than members, officers and other employees of the Corporation) for the purpose of selection of candidates to the posts of officers and other employees under the Corporation,

Clause 11 deals with the transfer of service of the existing employees of the Akashvani and Doordarshan to the Corporation by order of the Central Government. It also provides that no such order shall be made in relation to any office or other employee if he has intimated the Central Government, within the time specified, his intention of not becoming an employee of the Corporation.

Clause 12 enumerates the functions of the Corporation. Sub-clause (1) provides that it shall be the primary duty of the Corporation to organise and conduct public broadcasting services, to inform, educate and entertain the public and to ensure a balanced development of radio and television. Sub-clause (2) of this clause enumerates the various objectives by which the Corporation shall be guided in the discharge of its functions.

Clauses 13 to 15: *Clause 13* provides for the establishment by the Corporation of a Complaints Board consisting of one person or such number of persons not exceeding five. *Clause 14* empowers the Complaints Board to receive and consider complaints from persons claiming themselves to have been treated unjustly or unfairly in connection with any programme broadcast by the Corporation. The clause also provides for the procedure to be followed by the Complaints Board. *Clause 15* confers on the Complaints Board certain powers of a civil court to enable it to perform its functions.

Clause 16 deals with the transfer of certain assets and liabilities etc. held for the purposes of Akashvani and Doordarshan to the Corporation.

Clause 17 provides for the payment by the Central Government, after due appropriation made by Parliament by law, to the Corporation, in each financial year, the proceeds of the broadcast receiver licence fees, after deducting the collection charges, and such other sums of money as the Government consider necessary by way of grant, loan or otherwise.

Clause 18 provides for the Fund of the Corporation.

Clause 19 relates to the investment of the moneys of the Corporation.

Clause 20 lays down that the Corporation may prepare a statement of programme of activities during the forthcoming year as well as financial estimates in respect thereof before the commencement of each year.

Clause 21 lays down that the Corporation shall maintain proper accounts and other relevant records and prepare an Annual Statement of Accounts which shall be audited by the Comptroller and Auditor-General of India.

Clause 22 seeks to exempt the Corporation from the payment of income-tax, sur-tax or any other tax in respect of any income, profits or gains, derived by the Corporation.

Clause 23 empowers the Central Government to issue such directions as it may think necessary for the efficient administration of the Act and also provides that a copy of such directions shall be laid before each House of Parliament.

Clause 24 provides for Chairman, members, officers or other employees of the Corporation, etc. to be public servants within the meaning of section 21 of the Indian Penal Code.

Clause 25 seeks to give protection for anything which is in good faith done or intended to be done in pursuance of the Act or any rules and regulations made thereunder.

Clause 26 provides for the authentication of orders and decisions of the Corporation by the signature of the Chairman or any other member and other instruments by the signature of the Director General or by any other officer of the Corporation.

Clause 27 provides for the delegation, by general or special order, of the powers of the Corporation to the Chairman or any other member or to any officer of the Corporation subject to such conditions and limitations, if any, as may be specified in the order.

Clause 28 provides for the preparation by the Corporation of an Annual Report giving a full account of its activities during the previous year. The Central Government has to cause the same to be laid before each House of Parliament.

Clause 29 empowers the Central Government to make rules for carrying out the provisions of the Act.

Clause 30 empowers the Corporation to make regulations not inconsistent with the Act and the rules made thereunder for enabling it to discharge its functions under the Act.

Clause 31 provides for laying of the rules and regulations made under the Act before Parliament.

Clause 32 provides for removal of difficulties in giving effect to the provisions of the Act.

FINANCIAL MEMORANDUM

Clause 3(1) of the Bill provides for the establishment of Prasar Bharati. Clauses 4(1), 5(1) and 3(4) (b) (c) and (d) of the Bill provide respectively for the appointment of the Chairman, the Director General, the non-official members and *ex officio* members. Clause 6(3) of the Bill envisages that the salary and allowances and other conditions of service of the Chairman and the Director General of the Corporation be such as may be prescribed. Clause 6(4) provides that the allowances payable to and other conditions of service of, the non-official members shall be such as may be prescribed.

2. Clause 9 of the Bill provides for appointment of officers and other employees of the Corporation and for their conditions of service. Clause 10(1) provides for establishment of Recruitment Board or Boards. Clause 10(2) envisages that the qualifications and other conditions of service of the members of the Recruitment Board or Boards be such as may be prescribed.

3. Clause 13(1) of the Bill provides for the establishment of a Complaints Board. Clause 13(5) envisages that the qualifications and conditions of service of the person or persons constituting the Complaints Board shall be such as may be determined by the Corporation with the previous approval of the Central Government.

4. Clause 16(a) of the Bill provides for the transfer of all the existing gross assets of Akashvani and Doordarshan to the Corporation. These are estimated to be about Rs. 95 crores as on 31-3-1979. It also provides for the transfer of the un-spent balance in the Non-Lapsable Fund of about Rs. 30 crores and also the un-spent balance of the Renewal and Replacement Fund amounting to about Rs. 3 crores as on 31-3-1979. Clause 16(b) provides for the transfer of existing debts, obligations, liabilities and all contracts entered into by the Central Government on behalf of Akashvani and Doordarshan to the Corporation. Clause 16(c) provides for the transfer of all sums of money due to the Central Government in relation to Akashvani and Doordarshan to the Corporation. Clause 17 provides for the grant of the proceeds of the broadcast receiver licence fees which are placed as on 31-3-1979, at about Rs. 32 crores (gross), reduced by the collection charges and such other sums of money as may be determined by the Central Government to the Corporation by way of grant, loan or otherwise. These sums will be paid to the Corporation after a due appropriation by Parliament by law.

5. The salaries and other conditions of service of the members of the Corporation, Complaints Board and the Recruitment Board or Boards are to be prescribed by rules after the Corporation is set up. It is, therefore, not possible to give precise details of the expenditure involved. The Corporation's deficit is estimated to be about Rs. 6.58 crores on revenue account in 1979-80. This may go up progressively. The Plan Outlay for 1979-80 on capital account is Rs. 13.01 crores. It is expected to be Rs. 23.15 crores in 1980-81. Funds have to be provided by Central Government accordingly, after due appropriation by Parliament. The Corporation will retain income from Commercial Broadcasting amounting to about Rs. 12 crores per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill seeks to empower the Central Government to make rules for carrying out the provisions of the Act. The matters in respect of which such rules may be made relate *inter alia* to the manner in which and the purposes for which the Corporation may associate with itself any person in complying with any of the provisions of the Act, the salary and allowances and conditions of service and other matters in relation to the Chairman and Director General, the allowances payable to and other conditions of service of the non-official members, the control, restrictions and conditions subject to which the Corporation may appoint officers and other employees, the manner in which and the conditions and restrictions subject to which a Recruitment Board may be appointed, the qualifications and other conditions of service of the members of such a Board, etc.

2. Clause 30 of the Bill seeks to empower the Corporation to make regulations not inconsistent with the Act and the rules thereunder for enabling it to perform its functions under the Act. The matters in respect of which such regulations may be made relate *inter alia* to the time and place at which meetings of the Corporation shall be held and the procedure to be followed thereat, and the quorum necessary at such meetings, the recruitment and conditions of service of officers and other employees of the Corporation, the period for which the Complaints Board may impound and retain in its custody any document, the procedure which the Complaints Board may follow in considering any complaints, etc.

3. The matters in respect of which rules may be made under clause 29 of the Bill and the matters in respect of which regulations may be made under clause 30 of the Bill are all matters of detail or procedure or matters for which it is not practicable to make provision in the Act. Further, as provided in clause 31 of the Bill, the rules and regulations have to be laid before Parliament. Hence the delegation of legislative power is of a normal character.

AVTAR SINGH RIKHY,
Secretary.